Single Bench

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision - 138 /2004

APPLICANTS ---------- 1) Chamani Devi Late Kunj Bihari Mahato, Aged about 35 years , Occu. Labour.

2) Beena Kumari S/o Kunj Bihari Mahato, aged about 16 years, Occu. Labour.

3) deep chand S/o Kunj Bihari Mahato, aged about 14 years, Occu. Student.

4) Keeti Mahato S/o Kunj Bihari Mahato , aged about 10 years, Occu. Student.

5) Dular Chand S/o Kunj Bihari , aged about 7 years, Occu. Student.

Minor No.2 from 5 Years, Mother Chamni devi , Late Kunj Bihari all resident village-Dariya tha & Thana Bagother , Distt. Giridhi(Jharkhand)

P. R. No. 181/04
Presented by Smt. Uma Patel
dated 5-8-04

VERSUS

RESPONDENTS ---------- 1) Gyaneshwar Pandey @ Alakh Pandey , S/o Shiv Prashad , Occu. Driver, resi. Harhargutu, P.S.-Bagbeda, Distt. Shihbhumi (Jharkhand).

2) Yogavali Devi W/o R.P.Pandey , through Ambika Enterprises near P.O.-Harharguti, Jamshedpur Tata-Nagar (Jharkhand).

3) National - Insurance Co. Pvt. Ltd ,Registered Office 3 Middil Town Street, Kolkata-70097, Through – Branch Manager, Branch Office –

CANCELLED CANCELLED CANCELLED

(5)

Kalipati Road, Sakachi , Jamshedpur (Jharkhand).

CIVIL REVISION U/s 115 OF ~~CRIMINAL~~ PROCEDURE CODE

civil

Passed by M.A.C.T. Raigarh

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

आदेश पत्रक

मामला क्रमांक C.R.NO.138/04 सन् 200

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश
	07/12/2004 :-	

Heard Smt. Hamida Siddique, learned counsel for the petitioner and Shri Ali Asgar, learned counsel for respondent No.3.

One Kunjbihari died in a road accident and the petitioners herein filed Claim case No.8/2004 on the file of Motor Accident Claims Tribunal, Raigarh claiming compensation as dependants. The third respondent namely, National Insurance Co. Pvt. Ltd. was represented by its counsel. But, however, the notice sent to respondents 1 and 2, owner and driver of the offending vehicle, respectively was not served. The Court ordered paper publication and the petitioners published the notice in the newspaper namely, 'Ranchi Express' on three occasions on 5-12-2003, 27-2-2004 and 1-5-2004. Since even thereafter the matter was not taken up setting respondents 1 and 2 ex-parte, the petitioners preferred an application with a necessary prayer. The said application has been dismissed and the present revision petition has been filed being aggrieved by that order.

The fact that the petitioners took notice through Court and the same was not served and that thereafter pursuant to the order of the Court they took out paper publication in the daily newspaper on three occasions on the dates referred supra is not dispute. If that is so, it is only proper that the Tribunal proceeds further in the matter setting respondents 1 and 2 ex-parte.

The Tribunal is hereby directed to proceed further in the matter setting respondents 1 and 2 ex-parte and to complete enquiry within 3 months from the date of receipt of copy of this order. The revision petition is disposed of accordingly.

Sd/-
Chief Justice

Brajesh

[पीछे देखिये